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PATENT  
Customer No. 22,852  
Attorney Docket No. 5725.0800  
74  
11-26-03



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
)  
Roland BAZIN et al. ) Group Art Unit: 3743  
)  
Application No.: 09/725,048 ) Examiner: K. Ferko  
)  
Filed: November 29, 2000 )  
)  
For: PROCESS FOR ACQUIRING )  
SCANNED IMAGE DATA )  
RELATING TO AN EXTERNAL )  
BODY PORTION AND/OR A )  
PRODUCT APPLIED THERETO )

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TECHNOLOGY CENTER R3700

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

TERMINAL DISCLAIMER

Assignee, L'ORÉAL S.A., a French corporation having a post office address at 14, rue Royale, 75008 Paris, France, represents that it is the assignee of the entire right, title and interest in and to the above-identified application, Application No. 09/725,048, filed November 29, 2000 for PROCESS FOR ACQUIRING SCANNED IMAGE DATA RELATING TO AN EXTERNAL BODY PORTION AND/OR A PRODUCT APPLIED THERETO in the name of Roland Bazin et al., as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 011677, Frame 0567 on April 6, 2001. Assignee, L'Oréal S.A., further represents that it is the assignee of the entire right, title and interest in and to U.S. Patent Application No. 09/725,049, filed November 29, 2000 for PROCESS FOR DIAGNOSING CONDITIONS OF

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EXTERNAL BODY PORTIONS AND FEATURES OF PRODUCTS APPLIED

THERE TO, as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 011652, Frame 0105 on April 3, 2001.

To obviate a provisional obviousness-type double patenting rejection, assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the U.S. Application No. 09/725,048, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of any U.S. patent issuing from U.S. Application No. 09/725,049. Assignee hereby agrees that any patent so granted on the U.S. Application No. 09/725,048 shall be enforceable only for and during such period that it and any U.S. patent issuing from U.S. Application No. 09/725,049 are commonly owned. This agreement runs with any patent granted on U.S. Application No. 09/725,048 and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on U.S. Application No. 09/725,048 that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of any U.S. patent issuing from U.S. Application No. 09/725,049, as presently shortened by any terminal disclaimer, in the event that any U.S. patent issuing from U.S. Application No. 09/725,049 later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner

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terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the required fee payment of \$110.00 is being filed with this disclaimer.

If a check for the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to our Deposit Account No. 06-0916. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for, such an extension is requested and the fee should also be charged to Deposit Account No. 06-0916

The undersigned is an attorney of record.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: November 14, 2003

By:



Anthony M. Gutowski  
Reg. No. 38,742

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